
IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

SHANNON HEALY,

Plaintiff,

v.

CAROLYN W. COLVIN, Acting
Commissioner of Social Security,,

Defendant.

REPORT AND RECOMMENDATION

Case No. 2:15-cv-470 JNP

District Judge Jill Parrish

Magistrate Judge Brooke Wells

This case is on appeal from the denial of Plaintiff's application for Social Security Insurance.¹ Plaintiff filed her Complaint on July 8, 2015² and the administrative record was filed on September 3, 2015.³ This case was then assigned to Judge Jill Parrish who referred this matter to the undersigned based upon 28 U.S.C. 63 (b)(1)(B).⁴

Plaintiff has not filed any briefing in this matter. After a period of no activity in this case following the referral to the undersigned, the court entered an Order to Show Cause on March 22, 2016.⁵ In that order the undersigned ordered Plaintiff to "notify the court of her intentions to proceed with this case and show cause in writing on or before April 1, 2015, why this case should not be dismissed for failure to prosecute."⁶ Plaintiff was warned that a "failure to

¹ Complaint p. 2, [docket no. 3](#).

² [Docket no. 9](#).

³ [Docket no. 10](#).

⁴ Docket no. 18.

⁵ [Docket no. 19](#).

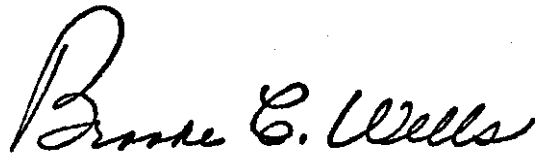
⁶ Order to Show Cause p. 1, [docket no. 19](#).

respond will result in the undersigned recommending that this case be dismissed.”⁷ To date, there has been no response to the Order to Show Cause.

Accordingly, the undersigned RECOMMENDS that this matter be dismissed for failure to prosecute.⁸

Copies of this report and recommendation are being mailed to all parties who are hereby notified of their right to object. Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of Court.⁹ Any objection must be filed within this deadline. Failure to object may constitute a waiver of objections upon subsequent review.

DATED this 21 April 2016.

A handwritten signature in black ink, reading "Brooke C. Wells". The signature is written in a cursive style with a large initial 'B' and 'W'. Below the signature is a horizontal line.

Brooke C. Wells
United States Magistrate Judge

⁷ *Id.*

⁸ The undersigned notes that on September 22, 2015 the court granted Plaintiff's counsel's motion to withdraw because Plaintiff had "fired Counsel." Mtn to Withdraw. p. 1, [docket no. 8](#). In the September 22nd order, Plaintiff was given twenty-one days to either have new counsel enter an appearance or appear pro se. The court also stated that if Plaintiff failed to comply with that requirement then sanctions, including dismissal, were likely under Federal Rule 16(f)(1). Plaintiff did not comply with the September 22nd order. Plaintiff's failure to comply with the court's September 22, 2015 order is an independent basis under which this case may be dismissed.

⁹ See [28 U.S.C. § 636](#) and [Fed. R. Civ. P. 72](#).